

The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 45] NEW DELHI, THURSDAY, DECEMBER 24, 1953

MINISTRY OF LAW

New Delhi, the 24th December 1953

The following Acts of Parliament received the assent of the President on the 23rd December, 1953 and are hereby published for general information:—

THE REPEALING AND AMENDING ACT, 1953

No. 42 OF 1953

[23rd December, 1953]

An Act to repeal certain enactments and to amend certain other enactments

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Repealing and Amending Act, 1953.

2. Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Declaration respecting certain enactments inapplicable to India.—The enactments specified in the Second Schedule are hereby formally declared to be no part of the laws of India.

4. Amendment of certain enactments.—The enactments specified in the Third Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

5. Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obliga-

tion or liability already acquired, accrued or incurred, or any remedy proceeding in respect thereof, or any release or discharge of or from debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

REPEALS

(See section 2)

Year 1	No. 2	Short title 3	Extent of repeal 4
		<i>Acts of the Governor General of India in Council</i>	
1876	XX	The Bhavnagar Act, 1876	The whole.
1877	IX	The Punjab Murderous Outrages (Amendment) Act, 1877.	The whole.
1881	XXV	The Banki Laws Act, 1881	The whole.
1885	VII	The Panch Mahals Laws Act, 1885	The whole.
1886	XVII	The Jhansi and Morar Act, 1886	The whole.
1920	XXXV	The Basel Mission Trading Company Act, 1920	The whole.
		<i>Acts of the Indian Legislature</i>	
1921	IX	The Enemy Missions Act, 1921	The whole.
1923	XXII	The Malkharoda and Gaontia Villages Laws Act, 1923.	The whole.
1947	X	The Explosives (Temporary Provisions) Act, 1947	The whole.
		<i>Act of the Dominion Legislature</i>	
1949	LV	The Explosives (Temporary Provisions) Act, 1949	The whole.
		<i>Act of Parliament</i>	
1951	XLVI	The Punjab State Legislature (Delegation of Powers) Act, 1951.	The whole.

THE SECOND SCHEDULE

ENACTMENTS NO LONGER PART OF THE LAWS OF INDIA

(See section 3)

Year	No.	Short title
I	2	3
<i>Acts of the Governor General of India in Council</i>		
1876	II	The Burma Land and Revenue Act, 1876.
1880	II	The Burma District Cesses and Rural Police Act, 1880.
1880	V	The Burma Boundaries Act, 1880.
1882	XIX	The Punjab University Act, 1882.
1883	VIII	The Little Cocos and Preparis Islands Laws Act, 1883.
1883	XII	The British Burma Pilots Act, 1883.
1883	XIII	The Indus Valley State Railway Lands Act, 1883.
1884	XIX	The Rangoon Waterworks Act, 1884.
1887	XI	The Sindh-Pishin Railway Act, 1887.
1892	VIII	The Lansdowne Bridge Act, 1892.
1895	II	The Burma Boundaries Act Amendment Act, 1895.
1895	XI	The Pegu and Tenasserim Validation Act, 1895.
1896	XX	The Sind Incumbered Estates Act, 1896.
1898	XIII	The Burma Laws Act, 1898.
1915	XIII	The North-West Frontier Constabulary Act, 1915.
1920	XVI	The Jaggannath College Act, 1920.
1920	XVIII	The Dacca University Act, 1920.
<i>Acts of the Indian Legislature</i>		
1926	XXXIV	The Sind Courts (Supplementary) Act, 1926.
1928	I	The Burma Salt (Amendment) Act, 1928.
1929	XVI	The Burma Salt (Amendment) Act, 1929.

THE THIRD SCHEDULE

AMENDMENTS

(See section 4)

Year	No.	Short title	Amendments
1	2	3	4
		<i>Acts of the Governor General of India in Council</i>	
1860	XLV	The Indian Penal Code	<p>(i) In section 214, for the words "to restore or cause the restoration of", the words "restores or causes the restoration of" shall be substituted.</p> <p>(ii) In sub-section (2) of section 263A, for the words "may be seized and", the words "may be seized and, if seized" shall be substituted.</p> <p>(iii) In section 266, the word "and" before the word "intending" shall be omitted.</p>
1872	IV	The Punjab Laws Act, 1872	In Schedule I, all the entries relating to Reg. III of 1818 shall be omitted.
1888	IV	The Indian Reserve Forces Act, 1888	In sub-section (1) (i) of section 6, for the words and figures "Indian Army Act, 1911", the words and figures "Army Act, 1950" shall be substituted.
1890	IX	The Indian Railways Act, 1890	In sub-section (4) of section 132 and in sub-section (2) of section 145, for the words and figures "Code of Criminal Procedure, 1882", the words and figures "Code of Criminal Procedure, 1898" shall be substituted.
1908	V	The Code of Civil Procedure, 1908	In clause (7B) of section 2, after the figures "44", the figures and letter "44A" shall be inserted.
1914	III	The Indian Copyright Act, 1914.	In the First Schedule, in section 4 of the Copyright Act, 1911, for the words "Judicial Committee of the Privy Council" and "Judicial Committee", the words "Supreme Court" shall be substituted.
1923	XXI	The Indian Merchant Shipping Act, 1923.	<p>In sub-section (2) of section 224K,—</p> <p>(i) in clause (a), the words "outside India" shall be omitted; and</p>

Year	No.	Short title	Amendments
1	2	3	4
		<i>Acts of the Governor General of India in Council—contd.</i>	
1925	XXXIX	The Indian Succession Act, 1925	(ii) for the words "British India Load Line Certificates" wherever they occur, the words "Indian Load Line Certificates" shall be substituted.
		<i>Acts of Parliament</i>	
1951	LXIX	The Plantations Labour Act, 1951	(i) In section 22, for the figures "19" the figures "21" shall be substituted ; and (ii) In sub-section (2) of section 31, for the words "any period less than", the words "any period not less than" shall be substituted.
1952	XXX	The Requisitioning and Acquisition of Immovable Property Act, 1952.	In sub-section (1) of section 17 the words "by or" shall be omitted and for the words "the State Government", the words "by the State Government or by an officer subordinate to the State Government" shall be substituted.
1952	XXXV	The Mines Act, 1952	(i) In sub-section (1) of section 33, after the words "more than forty-eight hours" the words "in any week" shall be inserted and (ii) In section 37, sub-section (1) of section 38 and section 39, for the words, figures and brackets "sub-section (4) of section 36", the words, brackets and figures "sub-section (5) of section 36" shall be substituted.

THE INDUSTRIAL DISPUTES (AMENDMENT) ACT, 1953

No. 43 OF 1953

[23rd December, 1953]

An Act further to amend the Industrial Disputes Act, 1947.

BE it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Industrial Disputes (Amendment) Act, 1953.

(2) It shall be deemed to have come into force on the 24th day of October, 1953.

2. Amendment of section 2, Act XIV of 1947.—In section 2 of the Industrial Disputes Act, 1947 (hereinafter referred to as the principal Act),—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) ‘average pay’ means the average of the wages payable to a workman—

(i) in the case of monthly paid workman, in the three complete calendar months,

(ii) in the case of weekly paid workman, in the four complete weeks,

(iii) in the case of daily paid workman, in the twelve full working days,

preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average pay shall be calculated as the average of the wages payable to a workman during the period he actually worked;”;

(ii) after clause (ee), the following clause shall be inserted, namely:—

“(eee) ‘continuous service’ means uninterrupted service, and includes service which may be interrupted merely on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;”;

(iii) after clause (kk), the following clause shall be inserted, namely:—

“(kkk) ‘lay-off’ (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or for any other reason to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched;

Explanation.—Every workman whose name is borne on the muster rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause:

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day:

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day;";

(iv) after clause (o), the following clause shall be inserted, namely:—

"(oo) 'retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

(a) voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf; or

(c) termination of the service of a workman on the ground of continued ill-health;";

(v) after clause (r), the following clause shall be inserted, namely:—

"(rr) 'wages' means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, express or implied, were fulfilled, be payable to a workman in respect of his employment or of work done in such employment, and includes—

(i) such allowances (including dearness allowance) as the workman is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles;

(iii) any travelling concession;

but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force;

(c) any gratuity payable on the termination of his service."

3. Insertion of new Chapter VA in Act XIV of 1947.—Chapter V of the principal Act, the following Chapter shall be inserted, namely:—

“CHAPTER VA

LAY-OFF AND RETRENCHMENT

25A. Application of sections 25C to 25E.—(1) Sections 25C to 25E inclusive shall not apply—

(a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month; or

(b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the appropriate Government thereon shall be final.

Explanation.—In sections 25A, 25C, 25D and 25E, ‘industrial establishment’ means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948) and includes a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952).

25B. Definition of one year of continuous service.—For the purposes of sections 25C and 25F, a workman who, during a period of twelve calendar months, has actually worked in an industry for not less than two hundred and forty days shall be deemed to have completed one year of continuous service in the industry.

Explanation.—In computing the number of days on which a workman has actually worked in an industry, the days on which—

(a) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), or under this Act or under any other law applicable to the industrial establishment, the largest number of days during which he has been so laid-off being taken into account for the purposes of this clause,

(b) he has been on leave with full wages, earned in the previous year, and

(c) in the case of a female, she has been on maternity leave; so however that the total period of such maternity leave shall not exceed twelve weeks,

shall be included.

25C. Right of workmen laid-off for compensation.—Whenever a workman (other than a badli workman or a casual

workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, he shall be paid by the employer for all days during which he is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent. of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off:

Provided that—

(a) the compensation payable to a workman during any period of twelve months shall not be for more than forty-five days except in the case specified in clause (b);

(b) if during any period of twelve months, a workman has been paid compensation for forty-five days and during the same period of twelve months he is again laid-off for further continuous periods of more than one week at a time, he shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days during such subsequent periods of lay-off compensation at the rate specified in this section:

Provided further that it shall be lawful for the employer in any case falling within clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 25F, any compensation paid to the workman for having been laid-off during the preceding twelve months being set off against the compensation payable for retrenchment.

Explanation.—‘Badli workman’ means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

25D. *Duty of an employer to maintain muster rolls of workmen.*—Notwithstanding that workmen in any industrial establishment have been laid-off, it shall be the duty of every employer to maintain for the purposes of this Chapter a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

25E. *Workmen not entitled to compensation in certain cases.*—No compensation shall be paid to a workman who has been laid-off—

(i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the

wages which would normally have been paid to the workman are offered for the alternative employment also;

(ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day;

(iii) if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment.

25F. Conditions precedent to retrenchment of workmen.—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government.

25G. Procedure for retrenchment.—Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

25H. Re-employment of retrenched workmen.—Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity to the retrenched workmen to offer themselves for re-employment, and the retrenched workmen who offer themselves for re-employment shall have preference over other persons.

25I. Recovery of moneys due from employers under this Chapter.—Any money due from an employer under the provisions of this Chapter, whether by way of compensation or by way of wages, may, without prejudice to any other mode of recovery, be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money.

25J. Effect of laws inconsistent with this Chapter.—(1) The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law [includ-

ing standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946)]:

Provided that nothing contained in this Act shall have effect to derogate from any right which a workman has under any award for the time being in operation or any contract with the employer.

(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provisions of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

4. Repeal of Ordinance 5 of 1953.—The Industrial Disputes Amendment) Ordinance, 1953 (5 of 1953) is hereby repealed.

THE MANIPUR COURT-FEES (AMENDMENT AND VALIDATION) ACT, 1953

No. 44 of 1953

[23rd December, 1953]

An Act to amend the Court-fees Act, 1870, in its application to the State of Manipur, for the purpose of giving effect in that State to certain amendments made in that Act by Assam Act VIII of 1950, and to validate the levy of court-fees in certain cases.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(1) This Act may be called the Manipur Court-fees (Amendment and Validation) Act, 1953.

(2) It extends to the whole of the State of Manipur.

2. Court-fees Act, 1870, to be in force in Manipur, as amended by Assam Act VIII of 1950.—On and from the commencement of this Act, the Court-fees Act, 1870 (VII of 1870), in its application to the State of Manipur, shall have effect as if it had been amended in the manner specified in sections 2 to 16 inclusive of, and the Schedule to, the Assam Court-fees (Amendment) Act, 1950 (Assam Act VIII of 1950)

3. Validation of levy of court-fees in certain cases.—Any court-fees levied in the State of Manipur during the period commencing on the 16th day of April, 1950, and ending with the date of commencement of this Act, which would have been validly levied if the amendments made to the Court-fees Act, 1870 (VII of 1870), by this Act were in force on the date of such levy, shall be deemed to have been validly levied.

THE COIR INDUSTRY ACT, 1953

No. 45 OF 1953

[23rd December, 1953]

An Act to provide for the control by the Union of the Coir Industry and for that purpose to establish a Coir Board and levy a customs duty on coir fibre, coir yarn and coir products exported from India.

As it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Coir Industry Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration as to expediency of control by the Union.—It is hereby declared that it is expedient in the public interest that the Union should take under its control the coir industry.

3. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'Board' means the Coir Board constituted under section 4;

(b) 'cess' means the customs duty imposed by section 18;

(c) 'coir' or 'coir fibre' means the fibre extracted from the husk of the coconut;

(d) 'coir products' means mats and mattings, rugs and carpets, ropes and other articles manufactured wholly or partly from coir or coir yarn;

(e) 'coir yarn' means yarn obtained by the spinning of coir;

(f) 'export' with its grammatical variations and cognate expressions means to take out of the territories to which this Act extends by land, sea or air to any place outside India other than a country or territory notified in this behalf by the Central Government by notification in the Official Gazette;

(g) 'Fund' means the Coir Fund referred to in section 15;

(h) "husks" means coconut husks, both raw and retted;

(i) 'member' means a member of the Board;

(j) 'prescribed' means prescribed by rules made under this Act.

CHAPTER II

THE COIR BOARD

4. Establishment and constitution of the Coir Board.—(1) With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, there shall be established for the purposes of this Act a Board to be called the Coir Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue and be sued.

(3) The Board shall consist of a Chairman and such number of other members not exceeding forty as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among persons who are in its opinion capable of representing—

- (a) growers of coconuts and producers of husks and coir yarn;
- (b) persons engaged in the production of husks, coir and coir yarn and in the manufacture of coir products;
- (c) manufacturers of coir products;
- (d) dealers in coir, coir yarn and coir products, including both exporters and internal traders;
- (e) Parliament;
- (f) the Governments of the principal coconut growing States;
- (g) such other persons or class of persons who, in the opinion of the Central Government, ought to be represented on the Board.

(4) The number of persons to be appointed as members from each of the categories specified in sub-section (3), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Board shall be such as may be prescribed.

(5) Any officer of the Central Government when deputed by that Government in this behalf shall have the right to attend meetings of the Board and take part in the proceedings thereof but shall not be entitled to vote.

5. Vacancies, etc., not to invalidate acts and proceedings.—No act or proceeding taken by the Board under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or defect in the constitution of, the Board; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

6. Salary and allowances of Chairman.—The Chairman shall be entitled to such salary and allowances and shall be subject to such conditions of service in respect of leave, pension, provident fund and other matters as may from time to time be fixed by the Central Government.

7. Vice-Chairman.—The Board shall elect from among its members a Vice-Chairman, who shall exercise such of the powers and discharge such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

8. Executive and other Committees.—(1) There shall be an Executive Committee of the Board for the purpose of exercising such of the powers and performing such of the duties of the Board as may be prescribed or as the Board may delegate to it.

(2) The Executive Committee shall consist of—

- (i) the Chairman,

(ii) the Vice-Chairman, and

(iii) five other members elected by the members of the Board, from among themselves of whom not more than two shall be Government officials and one shall be from among the members representing persons engaged in the production of husks, coir and coir yarn and in the manufacture of coir products.

(3) Subject to such control and restrictions as may be prescribed, the Board may constitute other standing committees or *ad hoc* committees for exercising any power or discharging any duty of the Board or for enquiring into or reporting and advising on any matter which the Board may refer to them.

(4) A Standing Committee shall consist exclusively of members of the Board.

(5) An *ad hoc* Committee may include persons who are not members of the Board, but their number shall be less than one-half of its strength.

9. Secretary and staff.—(1) The Central Government shall, after consulting the Board, appoint a Secretary to the Board who shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Board or the Chairman.

(2) Subject to such control and restrictions as may be prescribed, the Board may appoint such officers and employees as may be necessary for the efficient performance of its functions and pay them such salaries and allowances as it may determine from time to time.

(3) The Chairman, Secretary and other officers and employees of the Board shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

10. Functions of the Board.—(1) It shall be the duty of the Board to promote by such measures as it thinks fit the development under the control of the Central Government of the Coir Industry.

(2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may relate to—

(a) promoting exports of coir yarn and coir products, and carrying on propaganda for that purpose;

(b) regulating under the supervision of the Central Government the production of husks, coir yarn and coir products by registering coir spindles and looms for manufacturing coir products as also manufacturers of coir products, licensing exporters of coir, coir yarn and coir products and taking such other appropriate steps as may be prescribed;

(c) undertaking, assisting or encouraging scientific, technological and economic research and maintaining and assisting in the maintenance of one or more research institutes;

(d) collecting statistics from manufacturers of, and dealers in, coir products and from such other persons as may be prescribed, on any matter relating to the coir industry; the publication of statistics so collected or portions thereof or extracts therefrom;

(e) fixing grade standards and arranging when necessary for inspection of coir fibre, coir yarn and coir products;

(f) improving the marketing of coconut husk, coir fibre, coir yarn and coir products in India and elsewhere and preventing unfair competition;

(g) promoting co-operative organisation among producers of husks, coir fibre and coir yarn and manufacturers of coir products;

(h) ensuring remunerative returns to producers of husks, coir fibre and coir yarn and manufacturers of coir products;

(i) licensing of retting places and warehouses and otherwise regulating the stocking and sale of coir fibre, coir yarn and coir products both for the internal market and for exports;

(j) advising on all matters relating to the development of the coir industry;

(k) such other matters as may be prescribed.

(3) The Board shall perform its functions under this section in accordance with and subject to such rules as may be made by the Central Government.

11. Dissolution of the Board.—(1) The Central Government may, if the Board does any act exceeding the powers conferred upon it or acts in a manner contrary to the rules or prejudicial to the interests of the industry or acts or fails to act contrary to the directions given by the Central Government, call upon the Board to show cause why the Board should not be dissolved and if no explanation is offered or if the Central Government is dissatisfied with the explanation given it may suspend or dissolve the Board from such date and for such period as may be specified in the notification.

(2) When the Board is dissolved under the provisions of sub-section (1)—

(a) all members shall, from the date of dissolution, vacate their offices as such members;

(b) all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;

(c) all funds and other property vested in the Board shall, during the period of dissolution, vest in the Central Government; and

(d) as soon as the period of dissolution expires, the Board shall be reconstituted in accordance with the provisions of this Act.

CHAPTER III

CONTROL OVER THE EXPORT OF COIR FIBRE, COIR YARN AND COIR PRODUCTS

12. Control of export of coir fibre, coir yarn and coir products.—No coir fibre, coir yarn or coir products shall be exported otherwise than under a licence issued by or on behalf of the Board in the prescribed manner, and the provisions of the Sea Customs Act, 1878 (VIII of 1878) shall have effect as if the provisions made by this section had been made by notification issued under section 19 of that Act:

Provided that nothing herein contained shall apply to any coir product dispatched out of the territories to which this Act extends by post or carried in a passenger's luggage for his personal use:

Provided further that the Central Government may exempt from the operation of this section either absolutely or subject to specified conditions,

the export of any coir fibre, coir yarn or coir product to any foreign settlement bounded by India.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

13. Imposition of a duty of customs on export of coir fibre, coir yarn and coir products (1) With effect from such date as may be specified by the Central Government by notification in the Official Gazette, there shall be levied and collected as a cess for the purposes of this Act a duty of customs on all coir fibre, coir yarn and coir products which are exported, at such rate not exceeding one rupee per hundredweight as the Central Government may, by the same or a like notification from time to time, fix.

(2) The cess levied under sub-section (1) shall be in addition to any other duty leviable under the Indian Tariff Act, 1934 (XXXII of 1934) of any other law for the time being in force and shall be collected by such agencies and in such manner as may be prescribed.

14. Payment of proceeds of cess to the Board.—The proceeds of the cess levied under sub-section (1) of section 13 shall first be credited to the Consolidated Fund of India and the Central Government may thereafter from time to time pay to the Board from and out of such proceeds such sums of money as it may think fit after deducting the expenses of collection.

15. Constitution of Fund.—(1) There shall be formed by the Board a Fund to be called the Coir Fund and there shall be credited thereto—

(a) the proceeds of the cess made over to the Board by the Central Government;

(b) any other fee that may be levied and collected under this Act or the rules made thereunder.

(2) The Fund shall be applied towards meeting the expenses of the Board and the cost of the measures referred to in section 10.

16. Borrowing powers of Board.—Subject to such rules as may be made in this behalf, the Board shall have power to borrow on the security of the Fund or any other asset for any purposes for which the Fund may be applied.

17. Accounts and Audit.—(1) The Board shall cause accounts to be kept of all moneys received and expended by it.

(2) The accounts shall be audited every year by auditors appointed in this behalf by the Central Government and such auditors shall disallow every item, which in their opinion is not authorised by this Act or any rule made or direction issued thereunder.

(3) The Board may, within three months from the date of communication to it of the disallowance of any item, as aforesaid, appeal against such disallowance to the Central Government whose decision shall be final.

(4) The accounts of the Board as certified by the Comptroller and Auditor-General of India or by any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government, and that Government shall cause the same to be laid before both Houses of Parliament.

CHAPTER V

CONTROL BY THE CENTRAL GOVERNMENT

18. General control over acts and proceedings of the Board.—(1) All acts and proceedings of the Board shall be subject to the control of the Central Government which may cancel, suspend or modify as it thinks fit any action taken by the Board.

(2) The Board shall carry out such directions as may be issued to it by the Central Government for the efficient administration of this Act.

(3) The records of the Board shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Central Government.

19. Report and returns.—(1) The Board shall submit to the Central Government and such other authority as may be prescribed, a half yearly report and an annual report on its activities and the working of this Act for the preceding six months and the preceding year respectively; and a copy of every such report shall, as soon as may be after it is received by the Central Government, be laid before both Houses of Parliament.

(2) The Board shall prepare and submit such other returns relating to the coir industry as may be required by that Government from time to time.

CHAPTER VI

MISCELLANEOUS

20. Penalties.—(1) If any person contravenes the provisions of section 12, he shall be punishable with fine which may extend to five hundred rupees.

(2) Any person who attempts to contravene or abets the contravention of the provisions of section 12 shall be deemed to have contravened those provisions.

21. Offences by companies.—(1) If the person committing an offence under section 12 is a company, every person who at the time the contravention was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under section 12 has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) 'company' means any body corporate and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

22. Previous sanction of Central Government for prosecution.—No prosecution for any offence punishable under this Act shall be instituted except with the previous approval of the Central Government.

23. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or the rules made thereunder.

24. Power to delegate.—The Central Government may, by order notified in the Official Gazette, direct that any power exercisable by it under this Act may also be exercised in such cases and subject to such conditions, if any, as may be specified in the order by such officer or authority as may be specified therein.

25. Suspension of operation of Act.—(1) If the Central Government is satisfied that circumstances have arisen rendering it necessary that certain of the restrictions imposed by this Act should cease to be imposed or if it considers it necessary or expedient so to do in the public interest the Central Government may, by notification in the Official Gazette, suspend or relax to a specified extent either indefinitely or for such period as may be specified in the notification the operation of all or any of the provisions of this Act.

(2) Where the operation of any provisions of this Act has under subsection (1) been suspended or relaxed indefinitely, such suspension or relaxation may at any time while this Act remains in force be removed by the Central Government by notification in the Official Gazette.

26. Power of Central Government to make rules.—(1) The Central Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the constitution of the Board, the number of persons to be appointed as members from each of the categories specified in subsection (3) of section 4, the term of office and the other conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, the members of the Board;

(b) the circumstances in which, and the authority by which, members may be removed;

(c) the holding of a minimum number of meetings every year;

(d) the pay and allowances and other conditions of service of the Secretary;

(e) the maintenance of records of all business transacted at meetings of the Board and the submission of copies of such records to the Central Government;

(f) the preparation of budget estimate of the receipts and expenditure of the Board and the authority by which such estimates should be sanctioned;

(g) the conditions subject to which, and the mode in which, contracts may be made by or on behalf of the Board;

(h) the powers of the Board and the Executive Committee and the Chairman, in regard to the incurring of expenditure; and the re-appropriation of estimated savings in any budget head to another such head;

(i) the conditions subject to which the Board may borrow;

(j) the form and the manner in which accounts should be kept by the Board;

(k) the registration of coir spindles and looms for the manufacture of coir products as also the registration of manufacturers of coir products and the conditions for such registration; the grant or issue of licences under this Act; the fees to be levied in respect of such registration and licences; and the suspension and cancellation of such registration and licences;

(l) the form of applications for registration and licences under this Act and the fee, if any, to be paid in respect of any such applications;

(m) the collection of any information or statistics in respect of the coir industry;

(n) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall as soon as they are made be laid before both Houses of Parliament.

27. Power of Board to make by-laws.—(1) The Board may make by-laws consistent with this Act and the rules made thereunder, to provide for—

(a) the dates, times and places of its meetings and of the meetings of the Executive and other Committees and the quorum for such meetings, and the procedure thereat;

(b) the delegation of powers and duties to the Executive or any other Committee, or to its Chairman, Vice-Chairman, Secretary or any other of its officers;

(c) the travelling allowances of members and of members of Committees;

(d) the appointment, promotion and dismissal of its officers and other employees other than the Secretary and the creation and abolition of their posts;

(e) the conditions of service of its officers and other employees other than the Secretary including their pay, leave, leave allowances, pensions, gratuities, compassionate allowances and travelling allowances and the establishment and maintenance of a provident fund for them;

(f) the maintenance of its accounts;

(g) the persons by whom, and the manner in which payments, deposits and investments may be made on its behalf;

(h) the custody of moneys required for its current expenditure and the investment of moneys not so required;

(i) the preparation of statements showing the sums allotted to departments of the Central and State Governments and other institutions.

(2) No by-law shall take effect until it has been confirmed by the Central Government and published in the Official Gazette; and the Central Government, in confirming a by-law may make any change therein which appears to it to be necessary.

(3) The Central Government may, by notification in the Official Gazette, cancel any by-law which it has confirmed and thereupon the by-law shall cease to have effect.

THE FORWARD CONTRACTS (REGULATION) AMENDMENT Act, 1953

No. 46 of 1953

[23rd December, 1953]

An Act to amend the Forward Contracts (Regulation) Act, 1952.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Forward Contracts (Regulation) Amendment Act, 1953.

2. Amendment of section 3, Act LXXIV of 1952.—In sub-section (2) of section 3 of the Forward Contracts (Regulation) Act, 1952 (hereinafter referred to as the principal Act), for the words and brackets “of whom the Chairman (to be appointed by the Central Government) shall be a full-time member and the other member or members shall be full-time or part-time as the Central Government may direct”, the following shall be substituted, namely:—

“one of them being nominated by the Central Government to be the Chairman thereof; and the Chairman and the other member or members shall be either whole-time or part-time as the Central Government may direct”.

3. Insertion of new section 29 in Act LXXIV of 1952.—After section 28 of the principal Act, the following section shall be inserted, namely:—

“29. *Repeals and savings.*—If immediately before the date on which this Act or any provision contained therein is made applicable to any goods or classes of goods in any State, there is in force in that State any law corresponding to this Act or, as the case may be, to any provision contained therein which is applicable to those goods or classes of goods, that law shall stand repealed on the said date:

Provided that the repeal shall not affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that, subject to the preceding proviso, anything done or any action taken (including any appointment made, notification or order issued, rule, regulation, form or by-law framed, or recognition granted) under any such law shall be deemed to have been done or taken under the corresponding provision of this Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act."

K. Y. BHANDARKAR,

Secy. to the Govt. of India

